

**THE CITY OF WARWICK**  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

**CHAPTER 66**  
**SEWERS AND SEWAGE DISPOSAL**

No..... Date.....

Approved.....Mayor

*Be it ordained by the City of Warwick:*

Section I. Chapter 66 of the Code of Ordinances of the City of Warwick is hereby amended, as follows:

See Exhibit A, attached hereto and incorporated herein by reference.

Section II. The City Clerk of the City of Warwick is hereby authorized and directed to cause said changes to be made to the relevant provisions of the Code of Ordinances for the City of Warwick.

Section III. This Ordinance shall take effect upon passage and publication as prescribed by law.

SPONSORED BY: COUNCILMAN COLANTUONO  
ON BEHALF OF  
MAYOR AVEDISIAN

COMMITTEE: ORDINANCE

1 EXHIBIT A

2  
3 Chapter 66

4  
5 Article I – General Provisions

6  
7 Article II - Illicit Discharges to the Municipal Separate Storm Sewer

8  
9 **Sec. 66-7. Purpose.**

10 The purpose of this ordinance is to provide for the health, safety, and general welfare of the  
11 citizens of the City of Warwick through the regulation of non-storm water discharges to the  
12 City of Warwick's Municipal Separate Storm Sewer System. Specifically, this ordinance is  
13 intended to:

- 14 (a) Prohibit illicit connections and discharges to Warwick's Municipal Separate  
15 Storm Sewer System.
- 16 (b) Prevent or reduce to the maximum extent possible, impairment to waters of  
17 the state and pollutants from entering the Warwick's Municipal Separate  
18 Storm Sewer System.
- 19 (c) Provide for compliance with the relevant federal statutes, state law and  
20 regulations related to storm water discharges, including but not limited to the  
21 General Permit Rhode Island Pollutant Elimination System Storm Water  
22 Discharge from Small Municipal Separate Storm Sewer Systems and from  
23 Industrial Activity at Eligible Facilities Operated by Regulated Small MS4s,  
24 as modified and/or re-issued.
- 25 (d) Prohibit, and enforce such prohibition against non-storm water discharges  
26 that are not expressly authorized under a Rhode Island Pollutant Discharge  
27 Elimination System Permit, including but not limited to allowable non-storm  
28 water discharges that are deemed to be significant contributors of pollutants  
29 to Warwick's Municipal Separate Storm Sewer System.

- 1 (e) Prevent improper disposal and handling of waste, litter, yard waste, pet waste  
2 and household hazardous waste that might otherwise contribute to pollution  
3 or impairment of waters of the State via Warwick's Municipal Separate Storm  
4 Sewer System.

5 **Sec. 66-8. Authority.**

6 This ordinance is issued in accordance with the relevant requirements of Title 45 Towns and  
7 Cities, Chapter 6 Ordinances (R.I.G.L. 45-6-1, et seq, as amended).

8  
9 **Sec. 66-9. Definitions.**

10 The Term "Allowable Non-Storm Water Discharges" means discharges expressly allowed  
11 pursuant to a Rhode Island Pollutant Discharge Elimination System Permit. In accordance  
12 with Part I.B.3 of the *General Permit Rhode Island Pollutant Discharge Elimination System*  
13 *Storm Water Discharge from Small Municipal Separate Storm Sewer Systems and from*  
14 *Industrial Activity at Eligible Facilities Operated by Regulated Small MS4s* and provided  
15 such discharges are not deemed Significant Contributors of Pollutants to the MS4, Allowable  
16 Non-Storm Water Discharges may include, but are limited to the following:

- 17 (a) Discharges which result from the wash down of vehicles at retail dealers  
18 selling new and used automobiles where no detergents are used and  
19 individual residential car washing.
- 20 (b) External building wash down where no detergents are used.
- 21 (c) Use of water to control dust.
- 22 (d) Firefighting activities.
- 23 (e) Fire hydrant flushings.
- 24 (f) Natural springs.
- 25 (g) Uncontaminated groundwater.
- 26 (h) Dechlorinated pool discharges.
- 27 (i) Air conditioning condensate.
- 28 (j) Lawn watering.
- 29 (k) Potable water sources including waterline flushings.

- 1 (l) Irrigation drainage.
- 2 (m) Pavement washwaters where spills or leaks of toxic or Hazardous Materials  
3 have not occurred (unless all spilled materials have been removed) and where  
4 detergents are not used.
- 5 (n) Discharges from foundation or footing drains where flows are not  
6 contaminated with process materials such as solvents, or contaminated by  
7 contact with soils where spills or leaks of toxic or Hazardous Materials have  
8 occurred.
- 9 (o) Uncontaminated utility vault dewatering.
- 10 (p) Dechlorinated water line testing water.
- 11 (q) Hydrostatic test water that does not contain any treatment chemicals and is  
12 not contaminated with process chemicals.

13  
14 The term "Authorized Enforcement Agent," for the purposes of this Ordinance, means the  
15 Director of the City of Warwick Department of Public Works or his/her representative, who  
16 is a Warwick city employee, director, agent, officer, or consultant acting to implement or  
17 enforce this ordinance.

18  
19 The term "Discharge(s)" means the addition of any Pollutant to Municipal Separate Storm  
20 Sewer System from any Point Source.

21  
22 The term "Illicit Discharge(s)" means any Discharge to the Municipal Separate Storm Sewer  
23 System or Watercourses that is not composed entirely of storm water with the exception of  
24 Allowable Non-Storm Water Discharges expressly allowed pursuant to a Rhode Island  
25 Pollutant Discharge Elimination System Permit, provided such discharges are not deemed  
26 Significant Contributors of Pollutants to the MS4.

27  
28 The term "Municipal Separate Storm Sewer System" or "MS4" means a conveyance or system  
29 of conveyances (including roads with drainage systems, municipal streets, catch basins,  
30 ditches, man-made channels, or storm drains):

- (1) Owned or operated by the City.
- (2) Designed or used for collecting or conveying storm water.
- (3) Which is not a combined sewer.
- (4) Which is not part of a publicly owned treatment works.

The term "Operator" means the party or parties that either individually or taken together have the day-to-day operational control over activities at the facility and the ability to make modifications to such activities.

The term "Owner" means the party or parties that either individually or taken together has legal title to any premise.

The term "Person" means an individual, trust, firm, joint stock company, corporation (including a quasi-governmental corporation) partnership, association, syndicate, municipality, municipal or state agency, fire district, club, non-profit agency or any subdivision, commission, department, bureau, agency or department of state or federal government (including quasi-governmental corporation) or of any interstate body and any agent or employee thereof.

The term "Point Source(s)" means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel, or other floating craft, from which Pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

The term "Pollutant(s)" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, agricultural waste, pet waste, litter, yard waste or household hazardous waste.

1 The term "RIPDES" means the Rhode Island Pollutant Discharge Elimination System

2  
3 The term "Watercourse" means a natural or man-made surface drainage channel or body of  
4 water (including a lake or pond) through which a water flow occurs, either continuously or  
5 intermittently.

6  
7 **Sec. 66-10. Prohibited Discharges or Connections.**

8 No Person shall Discharge or cause Discharge into a Municipal Separate Storm Sewer  
9 System or Watercourses, which is not comprised entirely of storm water, unless such  
10 Discharge is an Allowable Non-Storm Water Discharge as defined in this ordinance or is  
11 authorized by a RIPDES Permit. This shall include, but is not limited to the following:

- 12 (a) The construction, use, maintenance, or continued existence of illicit  
13 connections to the storm drain system.
- 14 (b) This prohibition expressly includes, without limitation, illicit connections  
15 made in the past, regardless of whether the connection was permissible under  
16 law or practices applicable or prevailing at the time of connection.
- 17 (c) A Person is considered to be in violation of this ordinance if the Person  
18 connects a line conveying sewage Pollutant(s) to the MS4, or allows such a  
19 connection to continue.

20  
21 **Sec. 66-11. Suspension of Municipal Separate Storm Sewer System Access.**

22 Any Person discharging to the Municipal Separate Storm Sewer System in violation of this  
23 ordinance may have their Municipal Separate Storm Sewer System access terminated if such  
24 termination would abate or reduce an Illicit Discharge. The Authorized Enforcement Agent  
25 will notify a violator of the proposed termination of its MS4 access. The violator may  
26 petition the Authorized Enforcement Agent for reconsideration and/or a hearing. A Person  
27 commits a separate violation if a Person reinstates Municipal Separate Storm Sewer System  
28 access to a premises terminated pursuant to this section, without the prior approval of the  
29 Authorized Enforcement Agent.

1 **Sec. 66-12. RIPDES Permitted Discharges.**

2 Any Person subject to a RIPDES permit shall comply with all provisions of such permit and  
3 provide notice to the Authorized Agent of ~~to~~ discharging to the MS4. Proof of compliance  
4 with said permit may be required in a form acceptable to the Authorized Enforcement Agent  
5 prior to discharge or connection to the MS4, or at any time requested by the Authorized  
6 Enforcement Agent.

7  
8 **Sec. 66-13. Inspections and Monitoring.**

9 To the extent permitted by State law or this Ordinance, or if authorized by the Owner or other  
10 party in control of the property, the Authorized Enforcement Agent shall be permitted, upon  
11 the presentation of credentials and other documents, as may be required by law, to enter upon  
12 privately owned property for the purpose of performing their duties under this ordinance and  
13 may make or cause to be made such examinations, inspections, surveys, monitoring, or  
14 sampling as the Authorized Enforcement Agent deems reasonably necessary, and shall have  
15 access to and copy, at reasonable times, any records that must be kept as required under any  
16 applicable permit.

17  
18 **Sec. 66-14. Requirement to Prevent, Control and Reduce Storm Water Pollutants.**

19 In an attempt to prevent, control, and reduce storm water Pollutants, any Person engaged in  
20 activities or operations, or owning facilities or property which will or may result in Pollutants  
21 entering storm water, the storm sewer system or waters of the State shall implement Best  
22 Management Practices to the extent they are technologically achievable to prevent and reduce  
23 such Pollutants. The Owner or Operator of a commercial or industrial establishment shall  
24 provide reasonable protection from accidental Discharge of prohibited materials or other  
25 wastes into the Municipal Separate Storm Sewer System or Watercourses. Facilities to  
26 prevent accidental Discharge of prohibited materials or other wastes shall be provided and  
27 maintained at the Owner or Operator's expense.

1 **Sec. 66-15. Watercourse Protection.**

2 Every Person owning property through which a Watercourse passes, or such Person's lessee,  
3 shall keep and maintain that part of the Watercourse within the property reasonably free of  
4 trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or  
5 significantly retard the flow of water through the Watercourse. In addition, the Owner or  
6 lessee shall maintain existing privately owned structures within or adjacent to a Watercourse,  
7 so that such structures will not become a hazard to the use, function, or physical integrity of  
8 the Watercourse. The Owner or lessee shall not remove healthy bank vegetation beyond that  
9 actually necessary for maintenance, nor remove said vegetation in such a manner as to  
10 increase the vulnerability of the Watercourse to erosion. The property Owner or lessee shall  
11 be responsible for maintaining and stabilizing that portion of the Watercourse that is within  
12 their property lines in order to protect against erosion and degradation of the Watercourse  
13 originating or contributed from their property. Nothing in this section shall preclude any  
14 Owner/lessee from compliance with relevant provisions of the Rhode Island Freshwater  
15 Wetlands Act, R.I.G.L. 2-1-18, et seq., or other applicable laws or regulations.

16  
17 **Sec. 66-16. Notification of Spills.**

18 Notwithstanding other requirements of law, as soon as any Person responsible for a facility or  
19 operation, or responsible for emergency response for a facility or operation has information  
20 of any known or suspected release of materials which are resulting or may result in  
21 unauthorized Discharges or Pollutants discharging into storm water, the storm drain system,  
22 or waters of the State from said facility, said Person shall take all necessary steps to ensure  
23 the discovery, containment, and cleanup of such release. In the event of such a release of a  
24 hazardous material said Person shall immediately notify emergency response officials of the  
25 occurrence via emergency dispatch services (911). In the event of a release of non-hazardous  
26 materials, said Person shall notify the Authorized Enforcement Agent no later than the next  
27 business day. Notifications in person or by phone shall be confirmed by written notice  
28 addressed and mailed to the Authorized Enforcement Agent within five (5) business days of  
29 the phone notice. If the discharge of prohibited materials emanates from a commercial or  
30 industrial establishment, the Owner or Operator of such establishment shall also retain an on-

1 site written record of the discharge and the actions taken to prevent its recurrence. Such  
2 records shall be retained for at least three years. Nothing in this section shall preclude any  
3 Owner/lessee from compliance with relevant provisions of the Rhode Island Clean Water  
4 Act, R.I.G.L. 46-12-1, et seq. or other applicable laws or regulations.

5  
6 **Sec. 66-17. Notification of Non-Compliance.**

7 If the Authorized Enforcement Agent finds a violation of this ordinance then a written notice  
8 from the Authorized Enforcement Agent to compel correction shall be transmitted to the  
9 Owner or Operator. Such notice shall set forth the nature of corrections required and the time  
10 limit within which corrections shall be completed. Failure to comply with the required  
11 corrections within the specified time limit shall be considered a violation of this chapter.

12  
13 Such notice may require without limitation:

- 14 (a) The performance of monitoring, analyses, and reporting;  
15 (b) The elimination of illicit connections or Discharges;  
16 (c) That violating Discharges, practices, or operations shall cease and desist;  
17 (d) The abatement or remediation of storm water pollution or contamination hazards and  
18 the restoration of any affected property;  
19 (e) Payment of a fine to cover administrative and remediation costs; and  
20 (f) The implementation of source control or treatment BMPs.

21  
22 If abatement of a violation and/or restoration of affected property is required, the notice shall  
23 set forth a deadline within which such remediation or restoration must be completed. Said  
24 notice shall further advise that, should the violator fail to remediate or restore within the  
25 established deadline, the work will be done by a designated governmental agency or a  
26 contractor and the expense thereof shall be charged to the violator.

27  
28 **Sec. 66-18. Appeal of Notice of Non-Compliance.**

29 Any Person receiving a notice of non-compliance may appeal the determination of the  
30 Authorized Enforcement Agent. The appeal must be received within thirty (30) days from the

1 date of the receipt of the notice of non-compliance. The appeal shall be in writing and  
2 contain a detailed basis upon which the appeal was taken. The Authorized Enforcement  
3 Agent shall then determine in writing and within ten (10) days whether to accept the appeal  
4 or proceed to issue a notice of violation and cause a summons to issue to the appellant to  
5 appear before the Warwick Municipal Court, the District Court or the Superior Court for the  
6 State of Rhode Island, pursuant to the relevant jurisdictional provisions in place at the time of  
7 any such appeal.

8  
9 **Sec. 66-19. Enforcement Measures After Appeal.**

10 If no timely appeal of a notice of violation has been taken and the violation has not been  
11 corrected pursuant to the requirements set forth in the notice of violation, or, in the event of  
12 an appeal, within ten (10) days of the decision of the municipal authority upholding the  
13 decision of the Authorized Enforcement Agent, then representatives of the Authorized  
14 Enforcement Agent shall undertake all necessary actions, including requesting injunctive  
15 relief through the a court of appropriate jurisdiction, to enter upon the subject private  
16 property and take any and all measures necessary to abate the violation and/or restore the  
17 property.

18  
19 **Sec. 66-20. Administrative Orders.**

20 The Authorized Enforcement Agent is authorized to issue the following administrative orders  
21 at any time they deem such action appropriate to secure timely and effective compliance with  
22 this Ordinance or a Discharge permit or order issued pursuant to this Ordinance, whether or  
23 not any previous notifications of violation have been provided to the user.

- 24  
25 (a) Cease and Desist Order: The Authorized Enforcement Agent may issue an order to  
26 cease and desist a violation or an action or inaction which threatens a violation and to  
27 direct the user to comply forthwith or to take such appropriate remedial or preventive  
28 action as may be needed to properly address the violation or threatened violation,  
29 including halting operations and terminating the discharge.

1 (b) Compliance Order: The Authorized Enforcement Agent may issue an order requiring  
2 a user to provide within a specified period of time, such treatment, pretreatment or  
3 discharge control facilities or related appurtenances as are necessary to correct a  
4 violation or to prevent a threatened violation. A compliance order may also direct  
5 that a user provide improved operation and maintenance of existing discharge  
6 facilities, conduct additional self-monitoring or submit appropriate reports or  
7 management plans.

8  
9 (c) Show Cause Order: The Authorized Enforcement Agent may issue an order to show  
10 cause as to why a proposed enforcement action should not be taken. Notice shall be  
11 served on the user specifying the time and place for a meeting, the proposed  
12 enforcement action and the reasons for such action, and a request that the user show  
13 cause as to why the proposed enforcement action should not be taken. Whether or not  
14 a duly notified user appears as noticed, additional enforcement action may be  
15 initiated.

16  
17 (d) Consent Order: The Authorized Enforcement Agent may enter into consent orders,  
18 assurances of voluntary compliance, or other similar documents establishing an  
19 agreement with a user. Such orders shall include specific actions to be taken by the  
20 user and specific time frames to correct a violation or to remove the threat of a  
21 violation.

22  
23 **Sec. 66-21. Penalties for Violation.**

24 Any Person who shall violate any provision of this article shall pay a fine not to exceed two  
25 hundred and fifty (\$250.00) dollars per day for each day the violation remains unabated. The  
26 Authorized Enforcement Agent may, at the discretion of a court of appropriate jurisdiction,  
27 undertake measures necessary to abate the violation and restore the property at the Owner or  
28 Operator's expense.

1 **Sec. 66-22. Cost of Abatement of the Violation.**

2 Within thirty (30) days after abatement of the violation by or under the direction of the  
3 Authorized Enforcement Agent, the Owner or Operator will be notified by the Authorized  
4 Enforcement Agent of the cost of abatement, including administrative costs. If the amount  
5 due is not paid within a timely manner as determined by the Authorized Enforcement Agent,  
6 the charges shall become a special assessment against the property and shall constitute a lien  
7 on the property for the amount of the assessment. Any Person violating any of the provisions  
8 of this section shall become liable to the City by reason of such violation. The liability shall  
9 be immediately due and payable to the City. Interest at the rate of twelve (12) percent per  
10 annum shall be assessed on the balance beginning on the first day following discovery of the  
11 violation.

12  
13 **Sec. 66-23. Injunctive Relief.**

14 It shall be unlawful for any Person to violate any provision or fail to comply with any of the  
15 requirements of this Ordinance. If a Person has violated or continues to violate the provisions  
16 of this ordinance, the Authorized Enforcement Agent may petition to a court of competent  
17 jurisdiction for a temporary, preliminary or permanent injunction restraining the Person from  
18 activities which would create further violations or compelling the Person to perform  
19 abatement or remediation of the violation.

20  
21 **Sec. 66-24. Violations Deemed a Public Nuisance.**

22 In addition to the enforcement processes and penalties provided, any condition caused or  
23 permitted to exist in violation of any of the provisions of this Ordinance is a threat to public  
24 health, safety, and welfare, and is declared and deemed a public nuisance, and may be  
25 summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin,  
26 or otherwise compel the cessation of such nuisance may be taken.

27  
28 **Sec. 66-25. Criminal Prosecution.**

29 Any Person that has violated or continues to violate this Ordinance shall be liable to criminal  
30 prosecution to the fullest extent of the law, and shall be subject to a criminal. The Authorized

1           Enforcement Agent may recover all attorney's fees, court costs and other expenses associated  
2           with enforcement of this Ordinance, including sampling and monitoring expenses.

3  
4           **Sec. 66-26. Remedies Not Exclusive.**

5           The remedies listed in this ordinance are not exclusive of any other remedies available  
6           under any applicable federal, state or local law and it is within the discretion of the  
7           Authorized Enforcement Agent to seek cumulative remedies.

8  
9           **Sec. 66-27. Adoption of Ordinance.**

10           This ordinance shall be in full force and effect upon its final passage and adoption and  
11           publication as required by law. All prior ordinances and parts of ordinances in conflict with  
12           this ordinance are hereby repealed.

13  
14           **Sec. 66-28 –39. Reserved.**